

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
WRIT PETITION NO.5304 OF 2006

Digambar J. Kolekar Petitioner
Vs.
Conservator of Forest,
Pune Vrutt, Pune & Ors. . . . Respondents

Shri N.A. Kulkarni for the Petitioner.

CORAM: R.M.S. KHANDEPARKAR, J.

DATED: NOVEMBER 14, 2006

P.C:

1. Heard. The petitioner challenges the judgment and order dated 18-10-2001 passed by the Industrial Court, Pune, dismissing the complaint filed by the petitioner making grievance about failure on the part of the respondents to grant permanency in spite of he having completed continuous service of 240 days in the preceding year. The Industrial Court has found that there was no permanent vacancy available and therefore no fault can be found with the respondents for not granting permanency and engaging the petitioner on daily wages. Attention was sought to be drawn to the circular dated 21-1-1996 to contend that undisputedly there were vacancies in 8038 posts during the said year. The contention is totally devoid of substance. The circular nowhere refers to availability of any such vacancies in the year 1996. It merely records a statement of fact

that about 8038 employees were made permanent with effect from 4-11-1994. Undisputedly, apart from the said circular, no other evidence is placed on record by the petitioner disclosing any permanent vacancy being available and yet the respondents have failed to grant permanency to the daily wagers completing 240 days' continuous service in the preceding year. Being so, no fault can be found with the impugned judgment and order. That apart, the impugned judgment and order is dated 18-10-2001 and the petition is filed on 14-7-2006. There is no explanation for the delay in filing the petition.

2. For the reasons stated above, therefore, in the absence of any jurisdictional error on the part of the Industrial Court, there is no case for interference in the impugned judgment and order in writ jurisdiction under Article 227 of the Constitution of India and hence the petition fails and is rejected.

(R.M.S. Khandeparkar, J.)

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